

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

MIRIAM GHERMAN,

Plaintiff,

v.

DYLAN CLARK,

Defendant.

Case No. 3:22-cv-01274-YY

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

Sean J. Riddell, 2905 NW Broadway, Portland, OR 97232. Attorney for Plaintiff.

Mark Claramunt, 10383 W Carlton Bay Dr., Garden City, ID 83714. Attorney for Defendant.

IMMERGUT, District Judge.

On July 14, 2023, Magistrate Judge Youlee Yim You issued her Findings and Recommendations (“F&R”). ECF 36. The F&R recommends that Defendant Dylan Clark’s (“Defendant”) Motion to Dismiss, ECF 11, be granted with respect to any claims arising from incidents that allegedly occurred before June 5, 2023, which are time barred, ECF 36 at 2. Based on Plaintiff Miriam Gherman’s (“Plaintiff”) representations, the F&R also recommends that Plaintiff’s claims 34, 35, and 36 should be dismissed. *Id.* No party filed objections.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, sua sponte” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

No party having filed objections, this Court has reviewed the F&R and accepts Judge You’s conclusions. Judge You’s F&R, ECF 36, is adopted in full. This Court GRANTS Defendant’s Motion to Dismiss with respect to any of Plaintiff’s claims that arise from incidents allegedly occurring before June 5, 2023, and additionally DISMISSES Plaintiff’s claims 34, 35, and 36.

IT IS SO ORDERED.

DATED this 28th day of August, 2023.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge